

Oxford City Local Plan 2036: Publication (Regulation 19) consultation.

1 November – 28 December 2018.

https://www.oxford.gov.uk/info/20067/planning_policy/743/the_local_plan

Marston specific sites begin on page 167 of the draft Local Plan – at paragraph 9.145 “Sites Released from the Green Belt.” Sites: SP26 (Hill View Farm) SP27 (W. of Mill Lane)

Final consultation on the Local Plan before it is ‘submitted’ to Government. At which point an independent planning inspector is appointed to examine the plan. The inspector will conduct an examination in public (EiP) with ‘round table’ hearings (not inquiries with legal cross examination of witnesses).

The structure of the consultation and specific questions are prescribed by Government and have to be asked.

Responses do not have to be in the form requested by the Council or respond to the “tests of soundness,” **but** to ensure that comments have the greatest impact and can be fully considered by the inspector it is recommended that you refer to the tests **and** if you think that something is not right with the plan you suggest how it should be changed.

The Council is required to submit a plan which it believes to be legally compliant and ‘sound’ as defined by the **National Planning Policy Framework (NPPF), at paragraph 35:**

“Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.”*

Legal and procedural requirements (including the Duty to Cooperate)

When considering if the plan meets its legal requirements, the inspector will consider a number of issues including:

- **Local Development Scheme:** has the plan been prepared in accordance with the timetable set out in this document?
- **Consultation:** have the appropriate bodies been consulted and have we consulted in accordance with our Statement of Community Involvement?
- **National Policy and Legislation:** does the plan comply with national policy and legislation?
- **Sustainability Appraisal:** has an adequate Sustainability Appraisal been carried out?

- **Habitats Regulations Assessment:** has an adequate Habitats Regulations Assessment been carried out including Appropriate Assessment where necessary?
- **Duty to Cooperate:** has the plan been prepared in cooperation with other local authorities and prescribed bodies?

(Non-compliance with the duty to cooperate cannot be rectified through the examination of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan).

Soundness

- Has the plan been positively prepared?

The plan must have been prepared to demonstrate the number of new homes and jobs needed and the associated critical infrastructure required.

It also needs to address how the Council has worked with its neighbours to manage any needs that they cannot meet, where it is reasonable to do so and consistent with achieving sustainable development.

- Is the plan justified?

The plan must be based on robust, credible and proportionate evidence. You can view the studies that the Council has used to guide its decision-making on its evidence studies page on their website:

https://www.oxford.gov.uk/downloads/download/1006/studies_to_support_the_local_plan_proposed_submission_document

For Marston, of particular interest might be:

Green Belt Review – The evidence the Council is using to demonstrate that their boundary changes are acceptable.

Housing and Economic Land Availability Assessment (HELAA) – site assessments and indicative housing or employment capacity.

The plan must also include proof of the involvement of communities and key stakeholders. This can be reviewed by looking at the ‘consultation statement’

https://www.oxford.gov.uk/downloads/file/5103/consultation_statement_-_october_2018

- Is the plan effective?

The policies should be capable of delivering the stated objectives of the Local Plan.

The plan should be deliverable over its period (by 2036) based on effective joint working on cross-boundary strategic priorities, such as unmet housing need and strategic road and/or rail networks.

- Is the plan consistent with national policy and does it enable the delivery of sustainable development?

Does the plan comply with the requirements of the NPPF and the associated Planning Practice Guidance (PPG)?

It could be that there is a justified local need, which means that the Council should depart from national policy, this they should clearly explain and evidence. You may feel that the Council *should* depart from national policy in which case you can provide evidence and make it clear in your comments what local circumstances are relevant.